

House Bill 1460 (COMMITTEE SUBSTITUTE)

By: Representatives Hill of the 180th, Lane of the 158th, Parrish of the 156th, Warren of the 122nd, and Reese of the 98th

A BILL TO BE ENTITLED

AN ACT

To amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to extensively revise various provisions relative to shrimp and shrimping; to change certain provisions relating to definitions relative to game and fish generally; to repeal certain provisions relating to size and construction requirements of cast nets; to change certain provisions relating to lawful methods of fishing generally; to change certain provisions relating to lawful gear generally; to change certain provisions relating to required records; to change certain provisions relating to taking of shrimp for noncommercial purposes generally; to change certain provisions relating to limit on amount of shrimp taken by cast net and penalty for violation; to change certain provisions relating to lawful nets; to change certain provisions relating to maintenance of records by suppliers; to change certain provisions relating to taking of shrimp for recreational purposes, lawful nets and use of shrimp, and penalty for violation; to change certain provisions relating to penalties for using recreational food shrimp cast netting; to change certain provisions relating to sport bait shrimping; to change certain provisions relating to bait dealers; to change certain provisions relating to issuance of licenses, limits, and fees; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by adding a new paragraph in Code Section 27-1-2, relating to definitions relative to game and fish generally, to read as follows:

"(5.1) 'Bait shrimp cast net' means a cast net constructed of a minimum of three-eighths inch bar mesh with a radius not greater than eight feet. Such term shall include any cast net which exceeds such minimum mesh size."

SECTION 2.

Said title is further amended by striking paragraphs (10.1), (13.1), (59.1), (59.2), (59.3), and (59.4) of Code Section 27-1-2, relating to definitions relative to game and fish generally, and inserting in lieu thereof the following:

"(10.1) 'Cast net' means a cone shaped net ~~designed to be~~ thrown and retrieved by hand and designed to spread out and capture fish and shrimp as the weighted circumference sinks to the bottom and comes together when pulled by a line."

"(13.1) 'Commercial cast net' means a cast net constructed of a minimum of five-eighths inch bar mesh ~~and having a radius not more than 12 feet and in compliance with the provisions of Code Section 27-4-13.~~"

~~"(59.1) 'Recreational bait shrimp cast net' means a cast net constructed of a minimum of three-eighths inch mesh with a radius not greater than eight feet and in compliance with the provisions of Code Section 27-4-13. Such term shall include any cast net which exceeds such minimum mesh size~~ Reserved.

(59.2) 'Recreational bait shrimp cast netting' means taking shrimp for noncommercial use as bait by means of a bait shrimp cast net.

(59.3) 'Recreational food shrimp cast net' means a cast net constructed of a minimum of one-half inch bar mesh ~~with a radius not greater than eight feet and in compliance with the provisions of Code Section 27-4-13.~~"

SECTION 3.

Said title is further amended by repealing Code Section 27-4-13, relating to size and construction requirements of cast nets.

SECTION 4.

Said title is further amended in Code Section 27-4-112, relating to lawful methods of fishing generally, by adding a new subsection to read as follows:

"(h) It shall be unlawful to engage in the taking of shrimp for commercial purposes at night as defined in paragraph (45) of Code Section 27-1-2."

SECTION 5.

Said title is further amended by striking paragraph (10) of Code Section 27-4-113, relating to lawful gear generally, and inserting in lieu thereof the following:

"(10) Commercial cast nets as defined in Code Section 27-1-2 ~~and in compliance with Code Section 27-4-13;~~"

SECTION 6.

Said title is further amended by striking subsection (b) of Code Section 27-4-118, relating to required records, and inserting in lieu thereof the following:

"(b) Each person required to maintain records pursuant to the provisions of subsection (a) of this Code section shall report such information to the department, whose address for the purpose of reporting shall be the Coastal Resource Division headquarters, at such times and in such manner as the board provides by rule or regulation."

SECTION 7.

Said title is further amended by striking Code Section 27-4-132, relating to taking of shrimp for noncommercial purposes generally, and inserting in lieu thereof the following:

"27-4-132.

(a) Except as otherwise provided by law, it shall be unlawful to take shrimp for noncommercial purposes in the salt waters of the State of Georgia except by means of a ~~recreational~~ bait shrimp cast net or a recreational food shrimp cast net or by means of a beach seine of a length and mesh size authorized for use in salt waters by subsection (d) of Code Section 27-4-112.

(b) It shall be unlawful to take shrimp for noncommercial food purposes in the salt waters of the state by any cast net other than a recreational food shrimp cast net or by means of a beach seine. Violation of the provisions of this subsection shall constitute a misdemeanor.

(c) It shall be unlawful to take shrimp except at such times and places as the commissioner may establish. The commissioner is authorized to open or close any or a portion of the salt waters of this state to recreational food shrimp cast netting at any time between May 15 and the last day of February and to beach seines at anytime between May 15 and the last day of February."

SECTION 8.

Said title is further amended by striking subsection (a) of Code Section 27-4-132.1, relating to limit on amount of shrimp taken by cast net and penalty for violation, and inserting in lieu thereof the following:

"(a)(1) No person or group of persons occupying the same boat taking shrimp by means of a recreational food shrimp cast net may take more than 48 quarts of shrimp with heads or 30 quarts of shrimp tails in any day. No such person or group of persons occupying the same vessel may possess at any time more than 48 quarts of shrimp with heads or 30 quarts of shrimp tails.

(2) No person or group of persons occupying the same vessel in possession of a commercial shrimp cast netting license taking shrimp by means of a commercial cast net may take in any day or possess at any time more than ~~60~~ 150 quarts of shrimp with heads or ~~38~~ 95 quarts of shrimp tails; provided, however, that beginning December 1 until the close of each food shrimp season, possession at any time shall be limited to 75 quarts of shrimp with heads or 48 quarts of shrimp tails in any day taken by such commercial cast net or a combination of a commercial cast net and a seine.

(3) No group of persons occupying the same boat, one or more of whom is in possession of a commercial cast netting license and who are taking shrimp by means of a commercial cast net may take more than ~~60~~ 150 quarts of shrimp with heads or ~~38~~ 95 quarts of shrimp tails taken by such commercial cast net or a combination of a commercial cast net and a seine in any day; provided, however, that beginning December 1 until the close of each shrimp season, possession shall be limited to 75 quarts of shrimp with heads or 48 quarts of shrimp tails in any day. No such group of persons occupying the same vessel may possess at any time more than ~~60~~ 150 quarts of shrimp with heads or ~~38~~ 95 quarts of shrimp tails through November 30, after which no such group of persons occupying the same vessel may possess at any time more than 75 quarts of shrimp with heads or 48 quarts of shrimp tails.

(4) No one person taking shrimp solely by means of a seine, whether such person is acting alone or in a group of persons, may take more than 24 quarts of shrimp with heads or 15 quarts of shrimp tails taken by such seine in any day. No such person may possess at any time more than 24 quarts of shrimp with heads or 15 quarts of shrimp tails.

(5) No person or group of persons engaged in the harvest of food shrimp for commercial purposes shall have on board a vessel more than one type of cast net gear, and such person or group of persons shall be limited to the harvest limit allowable for the type of cast net gear on board.

(6) If any person or group of persons are in possession of a cast net and a seine, such person or group of persons shall be subject to the limits imposed upon taking shrimp by cast net.

(7) No vessel owner shall allow the vessel to be used by any person or persons to take more than ~~48 quarts of shrimp with heads or 30 quarts of shrimp tails~~ the legal quantity allowable in any day regardless of the number of trips made or the duration of any trip by such vessel. It shall be unlawful for any vessel owner or operator to allow a vessel to be left anchored and unoccupied for the purpose of receiving shrimp taken by the occupant of any other vessel."

SECTION 9.

Said title is further amended by striking subsections (a.1), (b), and (c) of Code Section 27-4-133, relating to lawful nets, opening and closing waters, and identification on boats taking shrimp, and inserting in lieu thereof the following:

~~"(a.1)(1) It shall be unlawful to trawl for shrimp for human consumption with any trawl or trawls having a total foot-rope length greater than 220 feet, not including the foot-rope length of a single trawl not greater than 16 feet when used as a try net. Foot-rope shall be measured from brail line to brail line, first tie to last tie on the bottom line. The provisions of this subsection shall not apply to vessels having a maximum draft of seven feet or less when fully loaded. The department is authorized to exempt trawls used by persons holding a valid scientific collection permit granted by the department.~~

~~(2) A vessel operator who violates the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$500.00 nor more than \$2,500.00 or imprisoned for not longer than 30 days or both, and any trawl on board the vessel shall be contraband and may be seized.~~

~~(b) It shall be unlawful to use a power-drawn net in any of the salt waters of this state except between the hours of 5:00 A.M. eastern standard time and 8:00 P.M. eastern standard time. It shall also be unlawful to use a power-drawn net in any sound between the hours of 8:00 P.M. eastern standard time on Saturday and 5:00 A.M. eastern standard time on Monday Reserved.~~

~~(c)(1) Except as otherwise specifically provided, it shall be unlawful to fish with nets other than cast nets in any of the tidal rivers or creeks, except to fish for shad or sturgeon, provided that nothing contained in this Code section shall be construed so as to prohibit any person from using a beach seine along any public beach.~~

~~(2) It shall be unlawful to fish for shrimp in the salt waters of the state by means of a seine or a cast net other than a bait shrimp cast net except at such times and places as the commissioner may establish. The commissioner is authorized to open or close for ~~such purpose~~ commercial food shrimp purposes any or a portion of the salt waters of this state at any time between May 15 and the last day of February, provided that the commissioner has determined that such action in opening or closing said salt waters is in accordance with current, sound principles of wildlife research and management."~~

SECTION 10.

Said title is further amended by striking paragraph (2) of subsection (a) of Code Section 27-4-136, relating to maintenance of records by suppliers, and inserting in lieu thereof the following:

"(2) Each person required to maintain records pursuant to paragraph (1) of this subsection shall report such information to the department, whose address for the purpose of reporting shall be the Coastal Resource Division headquarters, at such times and in such manner as the board provides by rule or regulation."

SECTION 11.

Said title is further amended by striking subsection (a) of Code Section 27-4-139, relating to taking of shrimp for recreational purposes, lawful nets and use of shrimp, and penalty for violation, and inserting in lieu thereof the following:

"(a) It shall be unlawful for any person engaged in recreational food shrimp cast netting to use any cast net other than a recreational food shrimp cast net as such term is defined in Code Section 27-1-2 ~~and which is in compliance with Code Section 27-4-13.~~"

SECTION 12.

Said title is further amended by striking subsections (a) and (d) of Code Section 27-4-140, relating to penalties for using recreational food shrimp cast netting, and inserting in lieu thereof the following:

"(a) Any ~~enforcement officer or other~~ law enforcement officer who discovers an illegal cast net being used on the waters of this state shall confiscate the net, which shall be forfeited."

"(d) Any person convicted of illegally taking shrimp from the waters of this state for commercial sale for food purposes shall be guilty of a misdemeanor. Possession of a ~~commercial cast net~~ shrimp in excess of the noncommercial food shrimp possession limit allowed pursuant to Code Section 27-4-132.1 shall be prima-facie evidence of the intent of the person or persons so in possession to take shrimp for commercial purposes."

SECTION 13.

Said title is further amended by striking subsections (a) and (c) of Code Section 27-4-170, relating to sport bait shrimping, and inserting in lieu thereof the following:

"(a) Any provision of this title to the contrary notwithstanding, any person who has a recreational fishing license may use a power-drawn net in accordance with this Code section, such net not to be larger than a ten-foot net as defined in paragraph (71.1) of Code Section 27-1-2 and to be constructed of mesh not smaller than one inch when stretched, for the purpose of taking shrimp to be used for live bait in this state, provided that the shrimp are not to be sold. In addition to the general provisions of this Code section, the Board of Natural Resources is authorized to promulgate rules and regulations

1 establishing the gear and methods allowed for sport bait shrimping. It shall be unlawful
2 to engage in the taking of shrimp ~~to be so used at any time except between the hours of~~
3 ~~one-half hour before official sunrise and one-half hour after official sunset~~ at night. It
4 shall also be unlawful to engage in the taking of shrimp pursuant to this Code section
5 except in those rivers or creeks or portions thereof opened to such taking. The
6 determination of whether to open or close a river or creek or portion thereof shall be
7 made by the commissioner or his or her designee in accordance with current, sound
8 principles of wildlife research and management as provided in Code Section 27-4-130.
9 No person taking shrimp under this subsection shall possess more than two quarts of bait
10 shrimp at any time, no more than one-half pint of which may be dead; but any such
11 person may take a maximum of four quarts of bait shrimp during any 24 hour period.
12 When two or more persons taking shrimp under this subsection occupy the same boat, at
13 least one such person must have a recreational fishing license; and there may be no more
14 than four quarts of bait shrimp on board the boat at any time, no more than one pint of
15 which may be dead; but the persons occupying the boat may take a maximum of eight
16 quarts of bait shrimp during any 24 hour period. Possessing or taking more than the
17 limits prescribed in this subsection shall be unlawful. Possessing more than these limits
18 shall be prima-facie evidence that the shrimp were taken for some purpose other than to
19 be used as live bait."

20 "(c)(1) It shall be unlawful for any person engaged in recreational bait shrimp cast netting
21 to use any cast net other than a ~~recreational~~ bait shrimp cast net as such term is defined
22 in Code Section 27-1-2 ~~and in compliance with Code Section 27-4-13~~.

23 (2) The salt waters of the state shall be open to recreational bait shrimp cast netting at
24 any time of the year; provided, however, that when recreational cast net food shrimp
25 season is closed, any person taking shrimp under this paragraph shall possess no more
26 than two quarts of bait shrimp at any time, all of which may be dead; and provided,
27 further, that any such person may take a maximum of four quarts of bait shrimp during
28 any day. When two or more persons taking shrimp under this subsection occupy the same
29 boat, there may be no more than four quarts of bait shrimp on board the boat at any time,
30 all of which may be dead; and the persons occupying the boat may together take a
31 maximum of eight quarts of bait shrimp during any day."

32 SECTION 14.

33 Said title is further amended by striking paragraphs (1) and (5) of subsection (a) of Code
34 Section 27-4-171, relating to bait dealers, and inserting in lieu thereof the following:

1 "(a)(1) It shall be unlawful for any person to engage in the taking of shrimp for live bait
2 to be sold, to engage in the sale of shrimp for live bait, or to engage in the sale of shrimp
3 for dead bait unless the person has a bait dealer license and possesses a valid personal
4 commercial fishing license as provided in Code Section 27-2-23 or is an employee of a
5 licensed bait dealer and possesses a valid personal commercial fishing license as provided
6 in Code Section 27-2-23. No bait dealer license shall be issued to a person holding a
7 commercial food shrimp cast netting license issued pursuant to Part 5 of this article. Any
8 license issued pursuant to this Code section shall be invalid immediately upon the
9 holder's obtaining such a commercial food shrimp cast netting license. No bait dealer
10 license shall be issued for an individual whose establishment is located on any dock or
11 other facility, including platforms, walkways, and buildings, which is one contiguous unit
12 and where shrimp taken pursuant to Code Section 27-4-133 are ~~unloaded, handled,~~
13 processed, stored, or sold for retail purposes, ~~or otherwise distributed or where boat~~
14 ~~docking space is provided for such activities~~; provided, however, that such prohibition
15 shall not apply to any person who was granted a bait dealer license for the period from
16 April 1, 1993, through March 31, 1994, and whose bait dealer license was not revoked
17 and provided, further, that such exemption shall terminate immediately if the person's
18 current bait dealer license is revoked by the commissioner or if he or she is found guilty
19 of a violation of the provisions of this Code section."

20 "(5) It shall be unlawful for any person engaging in the taking of shrimp for live bait
21 pursuant to this Code section to:

22 (A) Use any power-drawn net which is larger than a 20 foot net as defined in paragraph
23 (72.1) of Code Section 27-1-2 or constructed of mesh smaller than one inch or greater
24 than one and three-eighths inches when stretched or to use any cast net other than a bait
25 shrimp cast net as defined in paragraph (5.1) of Code Section 27-1-2;

26 (B) Engage in the taking of shrimp pursuant to this Code section ~~at any time except~~
27 ~~between the hours of one-half hour before official sunrise and one-half hour after~~
28 ~~official sunset~~ at night. All salt waters of this state shall be closed to the taking of
29 shrimp pursuant to this Code section, except those rivers or creeks or portions thereof
30 opened to such taking. The determination of whether to open or close a river or creek
31 or portion thereof shall be made by the commissioner or his or her designee in
32 accordance with current, sound principles of wildlife research and management as
33 provided by Code Section 27-4-130;

34 (C) Have on board the boat used for the taking more than 50 quarts of shrimp at any
35 one time, no more than 10 percent of which may be dead;

1 (D) Fail to maintain on the commercial fishing boat bait-holding facilities which
2 comply with the requirements set forth in subsection (b) of this Code section, except
3 that it shall not be necessary for the boat to meet the requirements of paragraph (5) of
4 subsection (b) of this Code section; or

5 (E) Hold a valid commercial food shrimp cast netting license issued pursuant to Part
6 5 of this article or to employ any person holding such a commercial food shrimp cast
7 netting license."

8 **SECTION 15.**

9 Said title is further amended by striking subsection (c) of Code Section 27-4-206, relating
10 to issuance of licenses, limits, and fees, and inserting in lieu thereof the following:

11 "(c) If the number of licenses issued pursuant to subsection (b) of this Code section does
12 not total 200, the department may issue the remaining allotment of commercial food shrimp
13 cast netting licenses in the initial or any subsequent license year by lottery devised and
14 operated by the department. After such lottery has been conducted, any remaining unissued
15 licenses may be issued via a method devised and operated by the department."

16 **SECTION 16.**

17 All laws and parts of laws in conflict with this Act are repealed.